

**REMARKS**

Accompanying this document is a copy of the Revocation and New Power of Attorney which was filed previously with the Office. That New Power of Attorney authorizes the undersigned attorneys to act in this case.

In response to the Office Action, dated January 26, 2005, Applicant respectfully requests reconsideration of the 35 U.S.C. §§ 102 and 103 rejections set forth by the Examiner. Applicant has amended the claims to more clearly define the invention. Applicant submits that the references of record whether considered alone or in combination fail to either teach or suggest Applicant's presently claimed invention.

Applicant has modified the claims to specify that the second media is inserted based on a comparison of a first priority indicator associated with a first broadcast stream and a second priority indicator associated with the second media. Moreover, the second media is inserted such that no content from the first broadcast stream is lost. This is advantageous because it provides superior control over media insertions and an enhanced user specific experience. Additionally, the present invention discloses an unobtrusive manner to insert other media into an existing live broadcast stream. The present invention is far superior to the present systems which simply teach displaying additional messages desirable to a user in conjunction with a program.

The references of record fail to teach or suggest these advances in the art. Mortimer, U.S. Patent No. 4,186,413, is directed to a TV message system which displays messages related to certain categories on a small area of the TV screen. See generally, Summary of the

Invention, Col. 1-2. In Mortimer, encoded messages received from a cooperative television station are displayed on a TV screen or monitor in a selected area. Col. 2, lines 49-53. However, not all messages need be decoded and transformed into a format which allows displaying the actual message on the TV screen. See Col. 3, lines 30-33. The user may select certain message for display by identifying the class of messages he or she desires to see. Col. 3, lines 34-45. Each distinct type of message such as, for example, a message assigned to sports category, news priority 1, news priority 2, local news, etc., may be selected by entering the proper code, such as 0010 for weather or 0001 for sports. Col. 3, lines 34-45. This is patentably different from the present invention where different content including live broadcasts and other programming are associated with priorities so that events or content are inserted in a broadcast stream based on a comparison between the priority indicator of the broadcast stream and the priority indicator of another media.

Additionally, Mortimer neither teaches nor suggests that the priority indicators for the other media may be assigned by a user. Mortimer simply discloses that categories of messages may be assigned prefix codes such as 0001 or 0010 which are input by a user to select the class of messages he desires to see. Col. 1, lines 65-68 and Col. 3, lines 39-45. Hence, Applicant respectfully requests that the §102 rejection set forth by the Examiner be withdrawn.

Handelman, U.S. Patent No. 5,414,773, is simply directed to a CATV system capable of including email. Col. 1, lines 58-64. Handelman discloses a generator for generating email or facsimile messages which are received and stored in an interface unit at a user's

location. See Col. 5, lines 15-27 and Col. 6, lines 24-30. Handelman provides that a user receives a message confirming the reception of new data at nay channel to which he is currently tuned. See Col. 7, lines 43-49 and Col. 10, lines 25-28. Nonetheless, Handelman neither teaches nor suggests inserting a second media in a first broadcast stream based on a comparison between priorities and in such a manner as to retain the entire content from the first broadcast stream. It merely discloses a CATV system which can generate and transmit both TV broadcast and email. On the other hand, the present invention permits both the second media to be available to a viewer in the middle of the original content as well as the full original content of the first broadcast stream without any loss of viewing experience. The references of record fail to teach or suggest the advances set forth by the present invention.

Finally, Bullock et al., U.S. Patent No. 5,070,404, is directed to a system for contemporaneous delivery of print data from a first location to a user at a remote location. See Col. 1, lines 50-54. Bullock et al. teaches that print data is delivered to several users at remote locations, stored at the user's location, and printed or actuated upon receipt of a cue. See Col. 2, lines 34-68. Bullock et al. discloses that the broadcast of a TV commercial may be synchronized with the retrieval of coupon data from memory by utilizing cue code comprised of a plurality of DTMF tones where each cue code is unique for a particular commercial. Col. 6, lines 43-55. However, Bullock either alone or in combination does not teach or suggest insertion of a second media in a broadcast stream based on a comparison of priority indicators. The references of record fail to teach or suggest the present invention.

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Applicant respectfully requests that the rejections be withdrawn. Applicant respectfully submits that all claims now stand in condition for allowance.

Respectfully submitted,

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